HC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 27 AM 10: 09

UNITED STATES OF AMERICA, Plaintiff, v. **Jose RIVAS-Ortega,** **(AKA): Jose Luis ORTEGA,** **(AKA): Arturo ORTEGA-Martinez,** **(AKA): Arturo MARTINEZ-Ortega** Defendant.	Magistrate Case No. '08 MJ 1967 COMPLAINT FOR VIOLATION OF: KNH Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **November 25, 2007**, within the Southern District of California, defendant, **Jose RIVAS-Ortega, (AKA): Jose Luis ORTEGA, (AKA): Arturo ORTEGA-Martinez, (AKA): Arturo MARTINEZ-Ortega,** an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **27th** DAY OF **June 2008.**

UNITED STATES MAGISTRATE JUDGE

MC

PROBABLE CAUSE STATEMENT

On November 25, 2007, the defendant identified as **Jose RIVAS-Ortega, (AKA): Jose Luis ORTEGA, (AKA): Arturo ORTEGA-Martinez, (AKA): Arturo MARTINEZ-Ortega,** was arrested in Vista, California by the San Diego Sheriff's Department on numerous charges including 10851(A)VC "VEHICLE THEFT" and booked into Vista Jail. On November 26, 2007, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On June 26, 2008, the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about May 7, 1999 and physically removed to Mexico on or about May 7, 1999 via the Otay Mesa Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Jose RIVAS-Ortega, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.